

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSHUA M. BERMAN,

Index No. 08-CV-00043 (DAB)

Plaintiff,

-against-

AFFIDAVIT OF SERVICE

TYCO INTERNATIONAL LTD.,
a Bermuda corporation, and
TYCO INTERNATIONAL (US) INC.,
a Nevada corporation,

Defendants.
-----X

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

DAVID FOUNTAINE, being duly sworn, deposes and says:

Deponent is not a party to this action, is over the age of 18 years, and resides in New York, New York. That on January 18, 2008 deponent served the within **NOTICE OF APPEARANCE** upon:

John H. Kazanjian, Esq.
Zackary D. Knaub, Esq.
Beveridge & Diamond, P.C.
477 Madison Avenue, 15th Floor
New York, NY 10022

by depositing the same enclosed in a postpaid properly addressed wrapper directed to each of the said corporations at the above addresses in an official depository under the exclusive care and

custody of the United States Postal Service within the State of New York.



DAVID FOUNTAINE

Sworn to before me this
18th day of January 2007.


NOTARY PUBLIC

MICHELA M. BUSARDO
Notary Public, State of New York
No. 01BU6163942
Qualified in New York County
Commission Expires April 9, 2011